Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Telecommunications Relay Services and	)	
Speech-to-Speech Services for Individuals	)	CC Docket No. 98-67
with Hearing and Speech Disabilities:	)	
Clarification of Procedures for Emergency	)	
Calls at Telecommunications Relay	)	
Services Centers	)	

COMMENTS OF
TELECOMMUNICATIONS FOR THE DEAF, INC.

Claude Stout, Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910-3803

Telephone: (800) 735-2258 (MD Relay)
(301) 589-3006 (TTY)
Facsimile: (301) 589-3797

Andrew D. Lipman
Paul O. Gagnier
Edward W. Kirsch
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

Counsel for Telecommunications for the Deaf, Inc.

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Telecommunications for the Deaf, Inc. ("TDI") hereby submits these Comments in response to the Commission's Public Notice, DA 02-1826, ("*Notice*") in the above-referenced proceeding.[1]

INTRODUCTION AND SUMMARY

TDI is a national advocacy organization actively engaged in representing the interests of the twenty-eight million Americans who are deaf, hard of hearing, late-deafened, and deaf-blind. TDI's mission is to promote equal access to media and telecommunications for these constituency groups through consumer education and involvement, technical assistance and consulting, application of existing and emerging technologies, networking and collaboration, uniformity of standards, and national policy development and advocacy. Only through equal access will these twenty-eight million Americans be able to enjoy the opportunities and benefits of the telecommunications revolution to which they are entitled. Furthermore, only by ensuring

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[1] *Pleading Cycle Established For Comment on Clarification of Procedures For Emergency Calls at Telecommunications Relay Services (TRS) Centers*, CC Docket No. 98-67, Public Notice DA 02-1826, (rel. July 29, 2002) ("*Notice*").

equal access for all Americans will society benefit from the myriad of skills and talents of persons with disabilities.

In the *Notice*, the Federal Communications Commission ("Commission") seeks public comment on its proposed clarification of the Commission's rules regarding procedures for routing emergency calls by telecommunications relay services ("TRS") centers.[2] Specifically, in the March 2000 *Improved TRS Order*, the Commission discussed routing emergency TRS calls to the most "appropriate" Public Answering Safety Point ("PSAP").[3] However, the Commission's minimum mandatory quality standards, as revised by the *Improved TRS Order*, provide for the routing of emergency TRS calls to the "nearest" PSAP.[4] TDI maintains that emergency TRS calls should be routed to the "most appropriate PSAP," rather than the geographically "nearest" PSAP. However, the Commission must define the term "appropriate PSAP" in a manner that implements the mandate of the Americans with Disabilities Act of 1990

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2 *Notice*, at 1.

3 *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, Report and Order and Further Notice of Proposed Rulemaking, FCC 00-56, 15 FCC CD 5140, at ¶ 100 (rel. March 6, 2000) ("*Improved TRS Order*"). A PSAP "contacts police, fire or ambulance service when it receives calls through its emergency service number." *Improved TRS Order*, at n.206. Newton's Telecom Dictionary defines the term "PSAP" as follows: "PSAPs are customarily segmented as 'primary,' 'secondary' and so on. The primary PSAP is the first contact a 911 caller will get. Here, the PSAP operator verifies or obtains the caller's whereabouts (called locational information), determines the nature of the emergency and decides which emergency response teams should be notified. ALI (Automatic Location Information), contained in a database, provides supplemental information for purposes of locating the caller, determining if hazardous materials are located at the subject, and so on. In some instances, the primary PSAP may dispatch aid. In most cases, the caller is then conferenced or transferred to a secondary PSAP from which help will be dispatched." Newton's Telcom Dictionary, at 682 (16th Edition, 2000).

4 47 C.F.R. § 64.604(a)(4); *Improved TRS Order*, at 71 ("Providers must use a system for incoming emergency calls that, at a minimum, automatically and immediately provides the *nearest* Public Safety Answering Point (PSAP) with the caller's telephone number.") (emphasis added).

("ADA")[5] to provide TRS in a manner that is *functionally equivalent* to a voice call placed by an individual who does not have a hearing or speech disability. Further, the "most appropriate PSAP" should be defined to ensure that TRS is available to the maximum extent possible and in the *most efficient* manner, as required by the ADA.[6]

DISCUSSION

A. The ADA Requires Routing and Processing of an Emergency TRS Call That Is Functionally Equivalent to a Standard Voice Call and Efficient

Title IV of the ADA requires the Commission to ensure that TRS is available, "*to the extent possible* and in the *most efficient manner*," to persons with hearing and speech disabilities in the United States.[7] Further, in enacting Title IV of the ADA, Congress directed the Commission to ensure that persons with hearing and speech disabilities benefit from technological advances.[8] As Congress stated:

> [T]his legislation is not intended to discourage innovation regarding telecommunications services to individuals with hearing and speech impairments. The hearing and speech-impaired communities should be allowed to benefit from advancing technology. As such, the provisions of the Section do not seek to entrench current technology, but rather to allow for new, more efficient and more advanced technology.[9]

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5 Pub. L. No. 101-336, § 401, 104 Stat. 327, 336-69, *codified at* 47 U.S.C. § 225 (adding section 225 to the Communications Act of 1934).

6 47 U.S.C. § 225(b)(1).

7 47 U.S.C. § 225(b)(1).

8 47 U.S.C. § 225(d)(2).

9 *See* 47 U.S.C. § 225(d)(2); H.R. Rep. No. 101-485(II), 101st Cong., 2d Sess. 130 (1990).

In short, Congress wisely intended that TRS would be an evolving service that would take advantage of new technologies as they are developed.[10] The Commission has concluded that this provision requires the Commission to "evaluate the state of technology available to provide relay services, and determine what is possible" to ensure that "[a]s technology improves, relay services and its standard offerings . . . also improve."[11]

Most importantly, Title IV of the ADA defines TRS as a telephone transmission service designed to give people with hearing or speech disabilities "functionally equivalent" access to the telephone network.[12] Specifically, the ADA provides that:

> The term 'telecommunications relay services' means telephone transmission services that provide the ability for an individual who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing individual in a manner that is *functionally equivalent* to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communications services by wire or radio.[13]

In sum, the ADA requires that TRS provide telecommunications services, including emergency calls, that "are functionally equivalent to voice services to the extent possible."[14] As observed by the Commission, functional equivalence is, "by nature, a continuing goal that requires periodic reassessment" in light of the "ever-increasing availability of new services and the development of new technologies."[15] Accordingly, the Commission has an obligation to make emergency

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10 *In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Notice of Proposed Rulemaking, FCC 98-90, at ¶¶ 8, 14 (rel. May 20, 1998).

11 *Improved TRS Order*, at ¶ 91.

12 *Improved TRS Order*, at ¶¶ 1, 4.

13 47 U.S.C. § 225(a)(3) (emphasis added).

14 *Improved TRS Order*, at ¶ 4.

15 *Improved TRS Order*, at ¶ 4.

TRS calls "functionally equivalent" to a voice call to 911 in light of the development of new technologies.[16]

B. The Nearest PSAP May Not Be the Correct PSAP For An Emergency TRS Call

TDI maintains that the geographically "nearest" PSAP may not be the optimal PSAP for handling a particular TRS emergency call or a voice emergency call placed to 911. The optimal PSAP for a particular emergency call is a function of many factors including the location and jurisdiction of responsive emergency services facilities such as fire departments, police stations and hospitals. If a deaf family's residence is isolated from the geographically nearest PSAP by a body of water, mountain range, or lack of readily traversed roads, then the most appropriate PSAP would be that which is not separated by geographic barriers that impede and delay the response of emergency service providers.

For example, suppose a deaf family lives on the shore of a lake directly across from a city where the geographically nearest PSAP is located, however, there is no bridge or causeway across the lake to the city. A PSAP located on the same shore of the lake on which the family resides may be the optimal PSAP for an emergency TRS call from that family, even though the PSAP in the city is geographically nearer. In this example, the PSAP on the same shore may be the optimal PSAP because the time and distance that responding fire, police and ambulance services must travel to reach the family is shorter than from the city across the lake. For similar reasons traditional voice calls placed to 911 do not always route to the geographically "nearest" PSAP.

In another example, there may be two PSAPs in an area located near each other. One PSAP may dispatch fire, police and ambulance providers for the city and the other for the

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[16] *Improved TRS Order*, at ¶ 100.

remainder of the county containing the city. In this instance, a user that lives near the county PSAP under the "nearest" rule would have her call routed to the county PSAP, even though she lives in the city and the response time would be faster if city vehicles responded to the call.

As the Maryland Department of Budget and Management ("Maryland DBM") has observed:

> In many areas, the nearest PSAP may be across a state, county, or other jurisdictional boundary. These jurisdictions which are in close physical proximity, may not have reciprocal agreements for emergency services in place like the ones that the emergency call routing scheme is based on. Bypassing the emergency PSAP routing scheme is inefficient and unsafe for consumers.[17]

Accordingly, TDI concurs with the Maryland Department of Budget and Management ("Maryland DBM") that TRS customers should "benefit from the same complex, careful planning and routing established to save time and lives for users of the standard [voice] phone network."[18] TDI maintains that the Commission must change its rule from requiring routing to the "nearest" PSAP to requiring routing to the "most appropriate PSAP." However, the Commission must clearly define the term "most appropriate PSAP" to refer to the optimal PSAP in terms of overall response time for responding to an emergency. Most likely the optimal PSAP will be the PSAP to which a direct standard voice call from a specific NPA-NXX-XXXX (at the same location) would be delivered. The TRS centers must ensure that all TRS callers are able to reach the PSAP normally assigned to their telephone number under the selective routing system for voice E911 calls.[19]

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[17] *Telecommunications Relay Service and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CC Docket No. 98-67, Comments of the State of Maryland Department of Budget and Management, at 1-2 (Aug. 15, 2002) ("*Maryland DBM Comments*").

[18] *Maryland DBM Comments*, at 1.

[19] E911 is an electronic system that uses selective routing to electronically route 911 emergency calls to the proper PSAP based upon the Emergency Services Number ("ESN") that

In fact, any rule which requires routing to the geographically nearest PSAP in all instances *violates the ADA* by failing to provide an emergency service that is functionally equivalent to voice emergency services and fails the ADA mandate to provide TRS in the "most efficient manner."

C. Changing the Requirement to the "Most Appropriate" PSAP Must Not Result in Any Decrease in Emergency TRS Service Quality

The Commission should underscore that changing the required routing from the "nearest" PSAP to the "most appropriate PSAP" must not result in any decrease in the quality of emergency TRS call service provided, such as an increase in the speed-of-answer time frame or an increase in the overall timeframe before police, fire and ambulance services are dispatched.[20] The Commission has held that any such delay "clearly compromises the functional equivalence of relay service."[21] Any increase in delay or reduction in the quality of emergency TRS jeopardizes the safety of speech and hearing disabled people and is contrary to the standards of the ADA.

CONCLUSION

TDI maintains that emergency TRS calls should be routed to the "most appropriate PSAP," rather than automatically routed to the geographically "nearest" PSAP, with the important caveat that the Commission must define the "most appropriate PSAP" in a manner that

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has been assigned to the caller's address. In the Bell South system, the E911 tandem finds the associated ESN for the calling telephone number via a translation table. Bell South, CLEC Users Guide to E911 for Facility Based Providers, Customer Guide CG-CUGE-0001, Issue 1a, at §§ 1.1, 1.7 (June 19, 2002).

[20] The Commission's minimum service quality rules require that a TRS shall "answer 85% of all calls within 10 seconds by any method which results in the caller's call immediately being placed, not put in a queue or on hold." 47 C.F.R. § 64.604(b)(2); *Improved TRS Order*, at ¶¶ 60-63.

[21] *Improved TRS Order*, at ¶ 60.

implements the mandate of the ADA to provide TRS in a manner that is *functionally equivalent* to a voice call placed by an individual who does not have a hearing or speech disability. Further, the "most appropriate PSAP" should be defined to ensure that TRS is available to the maximum extent possible and in the *most efficient* manner as required by the ADA.

Respectfully submitted,

s/
Andrew D. Lipman
Paul O. Gagnier
Edward W. Kirsch
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
Telephone: (202) 424-7500
Facsimile: (202) 424-7645

Counsel for Telecommunications for the Deaf, Inc.

Claude Stout, Executive Director
Telecommunications for the Deaf, Inc.
8630 Fenton Street, Suite 604
Silver Spring, MD 20910-3803
Telephone: (800) 735-2258 (MD Relay)
(301) 589-3006 (TTY)
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